

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOHN GUZMAN, III,)
)
)
Plaintiff,)
)
)
v.) 1:22-cv-679
)
)
KILOLO KIJAKAZI,)
Acting Commissioner of Social)
Security,)
)
Defendant.)

ORDER

This matter is before the court for review of the Memorandum Opinion and Recommendation ("Recommendation") filed on June 27, 2023, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 13.) In the Recommendation, the Magistrate Judge recommends that the Acting Commissioner's decision denying disability be affirmed, and that this action be dismissed with prejudice. The Recommendation was served on the parties to this action on June 27, 2023. (Doc. 14.) Counsel for Plaintiff filed timely objections (Doc. 15) to the Recommendation, and counsel for the Acting Commissioner filed a response in opposition (Doc. 16).

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is

made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . ., or recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 13) is **ADOPTED**. **IT IS FURTHER ORDERED** that the Acting Commissioner's decision finding no disability is **AFFIRMED**, and that this action is dismissed with prejudice.

A judgment dismissing this action will be entered contemporaneously with this Order.

This the 1st day of August, 2023.

William L. Osten, Jr.
United States District Judge